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HOUSE BILL 249 By
Scroggs

SENATE BILL 1443
By Person

AN ACT to amend Tennessee Code Annotated, Section 39-13-306, relative to custodial interference.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-306, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) It is the offense of custodial interference for a non-custodial natural or adoptive parent, step-parent, grandparent, brother, sister, aunt, uncle, niece, or nephew of a child younger than eighteen (18) years of age to:

(1) remove the child from this state knowing that the removal violates this section, a temporary or permanent judgment or a court order regarding the custody or care of such child;

(2) detain the child within this state or remove the child from this state, for more than 24 hours after the expiration of the non-custodial natural or adoptive parent or guardian's lawful period of visitation;

(3) harbor or hide the child within or outside this state, knowing that possession of the child was obtained by another person in violation of this section, a temporary or permanent judgment or a court order;

(4) act as an accessory to an act prohibited by this section.

SECTION 2. Tennessee Code Annotated, Section 39-13-306, is amended by deleting subsection (b) and by substituting instead the following:

(b) If the child is returned voluntarily by the person who removed the child before an arrest or the issuance of a warrant for an arrest, the person shall be convicted of a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 36-13-306, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) Custodial interference in which the child is removed from the child's lawful custodian in violation of this act for a period of fifteen (15) days or less is a Class E felony.

(e) If the child is removed from the child's lawful custodian in violation of this act for a period of sixteen (16) days or more, the person who removed the child shall be convicted of a Class D felony.

SECTION 4. Tennessee Code Annotated, Section 39-13-306, is amended by adding the following language as a new subdivision to be designated as follows:

(f) It is a defense to custodial interference that the person who removed the child reasonably believes that at the time the child was removed, the failure to remove the child would have resulted in a clear and present danger to the health, safety, or welfare of the child.

SECTION 5. This act shall take effect July 1, 2001, the public welfare requiring it.

